

Appln. No.: 10/611,765  
Amendment Dated May 20, 2004  
Reply to Office Action of March 22, 2004

SOK-101US

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figure(s) 3, 4, and 5. These sheets replace the original sheets. Also attached are new Figures 6 and 7.

Attachment

**Remarks/Arguments:**

Claims 1-23 are pending in the application. Claims 2, 9, 14, 15, 21 and 23 are objected to. Claims 1-23 are rejected.

The Applicant appreciates the opportunity provided to his representative, Frank Tise, to discuss the office action with the Examiner on May 10, 2004. The amendments and remarks provided herein are made in light of that discussion.

**Objections**

Claims 2, 9, 14, 15, 21 and 23 are objected to with the indication that "the drawings must show every feature of the invention specified in the claims." Figures 3 and 4 are amended herewith to show a lower portion, i.e. a dish or a bowl. Support for this amendment can be found in the application on page 5 at line 2.

Fig. 5 is amended herewith to include a motivational message "Don't Pig Out!", as supported in the application on page 6 at line 7.

New Fig. 6 shows a side view of the dinnerware article of Fig. 5, more clearly showing the figure 20 of the pig affixed to the upper surface, the edge, and the lower surface of the article, as supported in the application on page 7 at lines 5-7.

New Fig. 7 shows a labeled rectangular box at 20, representing the location of any one of a number of creatures, as supported in the application on page 5 at lines 9-14. The Applicant notes that 37 CFR 1.83, as quoted at MPEP 608.02(d), states that "conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box.)." The Applicant urges that the walrus, hippopotamus, whale, imaginary creature, or obese person are conventional features well understood by the person of ordinary skill in the art, not requiring any further elaboration for a proper understanding of the invention, and thus may be indicated in the form of a labeled rectangular box such as is shown in Fig. 7.

No new matter has been added by any of the amendments to the Drawing, and entry of these amendments is respectfully requested.

The specification is amended herewith as follows:

Two new paragraphs have been added to the Brief Description of the Drawings after the paragraph ending on line 10 of page 3, describing Figs. 6 and 7. The paragraph beginning at page 7, line 5, has been replaced with a rewritten paragraph that includes a description of the elements shown in Figs. 5 and 6. A new paragraph has been added after the paragraph ending on line 10 of page 7, describing Fig. 7. No new matter has been added by any of these amendments to the specification, and entry of the amendments is respectfully requested.

Regarding the Office Action's notation that claim 23 mixes elements of the Fig. 3 embodiment and the Fig. 4 embodiment, the Applicant notes that, as discussed in the above-mentioned interview with the Examiner of May 10, 37 CFR 1.83 states that the drawing must

show every feature of the invention specified in the claims. It does not, however, require that every claimed combination of such features be shown in a single drawing. The Applicant further thanks the Examiner for pointing out that a second look at Fig. 4 admits of the possibility that it may incorporate the feature of the pig 20 being removably affixed to the border section as recited in claim 23. The Applicant therefore urges that all of the requirements relating to 37 CFR 1.83 recited in the Office Action have now been met, and that the objections to claims 2, 9, 14, 15, 21 and 23 should now be removed.

Rejections under 35 U.S.C. § 102(b)

Claims 1-8 and 10-12 are rejected under § 102(b) as being anticipated by Buj. The Office Action states that Buj shows a shallow container, a raised likeness of a creature affixed to the upper surface, and a graphical diet reminder (i.e. a spoon and fork). The Applicant respectfully disagrees with the assertion that the spoon and fork are either graphical or that they constitute a diet reminder. The American Heritage Dictionary of the English Language, New College Edition (Houghton Mifflin, 1976) defines "graphical" (alternative form of "graphic") as "of or pertaining to written or pictorial representation." The spoon and fork disclosed by Buj are removably attached utensils, and not written or pictorial representations. Further, they are not "diet reminders" as that term is used in the present application, where it is indicated (page 6, lines 7-9) that "It is contemplated that, by viewing the graphical diet reminder, the user will be prompted to consume a proper quantity and balance of foods." [emphasis added] Thus Buj does not teach at least two of the limitations of claim 1 and dependent claims 2-8 and 10-12, and therefore does not anticipate these claims under § 102(b). Reconsideration and early allowance of these claims is therefore requested.

Rejections under 35 U.S.C. § 103(a)

Claims 9, 14, and 16 are rejected under § 103(a) as unpatentable over Buj. As noted immediately above, Buj does not disclose all of the limitations of claim 1. No other references are cited, teaching a graphical diet reminder as recited in claims 9, 14, and 16, and thus these rejections are improper. Reconsideration is therefore requested.

Claim 15 is rejected under § 103(a) as unpatentable over Buj in view of Goff. Goff discloses a butter dish with imaginary creatures (mermaids). However, Goff does not disclose or suggest a graphical diet reminder, and thus not all of the elements of claim 15 are provided by the combination of Buj and Goff. Thus the rejection is improper, and reconsideration is requested.

Claims 17 and 18 are rejected under § 103(a) as unpatentable over Buj in view of Gruneisen. Gruneisen teaches a drink container (not a shallow container as recited in claims 17 and 18) with an item resembling a basketball mounted on the lip thereof. The likeness is not that of a creature, as recited in claims 17 and 18, or does it comprise a hollow space therein adapted to contain at least one pill, as also recited. Nor does the likeness comprise a bottom and a removable top, as recited in claim 18. Further, Gruneisen does not disclose or suggest a graphical diet reminder, and thus not all of the elements of claims 17 and 18 are provided by the combination of Buj and Gruneisen. Thus the rejections are improper, and reconsideration is requested.

Claims 13 and 19-22 are rejected under § 103(a) as unpatentable over Buj in view of Brownwell. The Office actions states that Buj discloses the invention except for a graphical diet reminder on the central section (claim 13), and except for the graphical diet reminder indicating a breakdown of diet according to food categories (claim 19), comprising an image of a food pyramid (claim 20), comprising a motivational message (claim 21) and comprising numerical nutritional information (claim 22). All of these arguments rely upon the presence of a graphical diet reminder, as recited in the claims, but Brownwell nowhere discloses or suggests a graphical diet reminder. It is not even clear from the disclosure of Brownwell that the "compartmentalized plate" serves, or is intended to serve, the function of any kind of diet reminder, graphical or otherwise. No function is ascribed to the pyramidal shape, and no indication is given as to any function of the individual compartments beyond their conventional use in such items, i.e. to separate foods from one another. Further, regarding claim 19, there is no teaching in Brownwell regarding whether foods of different categories are to be placed in the various compartments. Regarding claim 20, although there is a pyramidal shape to the arrangement of food compartments, the compartments do not constitute a food pyramid, which assigns specific locations on the pyramid to specific food groups, representing proper proportions of each for a healthy diet. Regarding claims 21 and 22, there is no teaching of either a motivational message or numerical nutritional information, respectively. Thus the combination of Buj and Brownwell does not provide all of the elements of claims 13 and 19-22, and the rejections are therefore improper. Reconsideration is requested.

Claims 1, 10, 13 and 19-23 are rejected under § 103(a) as unpatentable over Brownwell in view of Buj and Gruneisen. The Office Action states that Brownwell discloses the invention except for the removably affixed hollow statuette of a pig and the removable top of the statuette. Claim 23 is amended herewith to recite a graphical diet reminder comprising an image of a food pyramid, as supported in original claim 20. The Applicant respectfully disagrees that Brownwell discloses the invention except for the indicated features since, as elaborated above, neither Brownwell nor any of the references discloses a graphical diet reminder as recited in claims 1, 10, 13 and 19-23. The Applicant also respectfully disagrees with the assertion that Gruneisen teaches a hollow removable statuette with a removable top; no removable top is in fact disclosed or suggested in the removable basketball feature of Gruneisen, nor in fact in either or Buj or Gruneisen. Thus the combination of Brownwell, Buj, and Gruneisen does not provide all of the elements of claims 1, 10, 13 and 19-23, and the rejections are therefore improper. Reconsideration is requested.

For all of the reasons set forth above, the Applicant urges that all of the claims are now in condition for allowance, and early favorable consideration is therefore respectfully requested. The Examiner is invited to contact either of the Applicant's representatives, named below, if it is judged that a telephone interview may expedite the prosecution of this application.

Respectfully submitted,

  
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Attachments: Figures (5 sheets)

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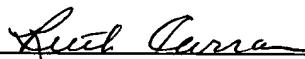
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Ruth Curran